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Entered: February 28, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Tokyo Ohka Kogyo Co., Ltd.
(Application 10/565,696
Inventors: Ryotaro Hayashi, Hideo Hada, and
Takeshi Iwai),

v.

Shin-Etsu Chemical Co., Ltd.,
Senior Party
(Patent 7,157,207
Inventors: Kenji Funatsu, Tsunehiro Nishi and
Shigehiro Nagura).

Patent Interference No. 105,745 (RES)
(Technology Center 1700)

1 **Judgment - Request for Adverse - 37 CFR § 41.127(b)**
2 Junior Party, Tokyo Ohka Kogyo Co., Ltd., requested adverse
3 judgment under 37 CFR § 41.127(b) conceding priority to the Senior party.
4 Accordingly, it is
5 **ORDERED** that judgment on priority as to the subject matter of
6 Count 1 (Paper 1, p. 3) is awarded against junior party, Tokyo Ohka Kogyo
7 Co., Ltd.;

1 **FURTHER ORDERED** that Tokyo Ohka Kogyo is not entitled to a
2 patent including the subject matter of Claims 1, 5-8, 12-14, 18 and 19 of its
3 Application 10/565,696;

4 **FURTHER ORDERED** that Claims: 1, 5-8, 12-14, 18 and 19 of
5 Application 10/565,696, corresponding to Count 1, are finally refused (35
6 U.S.C. § 135(a));

7 **FURTHER ORDERED** that a copy of this judgment be made of
8 record in the files of Application 10/565,696 and Patent 7,157,207; and

9 **FURTHER ORDERED** that if there is any settlement agreement or
10 related documents which have not been filed, attention is directed to
11 35 U.S.C. § 135(c) and 37 CFR § 41.205.

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13	<u>/Richard E. Schafer/</u>)
14	RICHARD E. SCHAFER)
15	Administrative Patent Judge)
16)
17	<u>/Jameson Lee/</u>)
18	JAMESON LEE)
19	Administrative Patent Judge)
20)
21	<u>/Sally C. Medley</u>)
22	SALLY C. MEDLEY)
23	Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
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